

STATE OF CONNECTICUT
SITING COUNCIL

* * * * *

THE UNITED ILLUMINATING COMPANY * JANUARY 17, 2013
* (7:00 p.m.)
*

APPLICATION FOR A CERTIFICATE OF *
ENVIRONMENTAL COMPATIBILITY AND *
PUBLIC NEED FOR THE CONSTRUCTION, *
MAINTENANCE, AND OPERATION OF A * DOCKET NO. 433
115/13.8 KILOVOLT SUBSTATION *
LOCATED AT 14 OLD STRATFORD ROAD, *
SHELTON, CONNECTICUT *
* * * * *

BEFORE: ROBIN STEIN, CHAIRMAN

BOARD MEMBERS: Robert Hannon, DEEP Designee
Michael Caron, PURA Designee
Edward S. Wilensky
Philip T. Ashton
James J. Murphy, Jr.
Dr. Barbara Bell

STAFF MEMBERS: Linda Roberts, Executive Director
Robert Mercier, Siting Analyst
Melanie Bachman, Staff Attorney

APPEARANCES:

FOR THE APPLICANT, THE UNITED ILLUMINATING
COMPANY:

BRUCE MCDERMOTT, ESQUIRE
UNITED ILLUMINATING HOLDING COMPANY
157 Church Street
New Haven, Connecticut 06506

FOR THE INTERVENOR, CONNECTICUT LIGHT & POWER COMPANY:

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1 . . .Verbatim proceedings of a hearing
2 before the State of Connecticut Siting Council in the
3 matter of an application by The United Illuminating
4 Company, held at the Shelton Town Hall, 54 Hill Street,
5 Shelton, Connecticut, on January 17, 2013 at 7:00 p.m.,
6 at which time the parties were represented as
7 hereinbefore set forth . . .

8

9

10 CHAIRMAN ROBIN STEIN: I'd like to call to
11 order this meeting of the Connecticut Siting Council
12 today, Thursday, January 17th at 7:00 p.m.

13 My name is Robin Stein and I'm Chairman
14 of the Siting Council. Other members of the Council
15 present are Mr. Hannon, who is the designee from the
16 Department of Energy and Environmental Protection -- no
17 Larry --

18 A VOICE: Larry is not well --

19 CHAIRMAN STEIN: -- Director Caron from
20 the Public Utilities Regulatory Authority; Mr. Ashton;
21 Senator Murphy; Dr. Bell; and Mr. Wilensky.

22 Member of the staff present are Linda
23 Roberts, Executive Director; Melanie Bachman, Staff
24 Attorney; and Robert Mercier, Siting Analyst. Gail

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1 Gregoriades the court reporter and Aaron DeMarest the
2 audio technician.

3 This is a continuation of the public
4 hearing that began at 3:00 p.m. this afternoon. Copies
5 of the hearing program and the Council's Citizen Guide to
6 Siting Council Procedures are available in the rear for
7 those of you of the public.

8 This meeting is held pursuant to Title 16
9 of the Connecticut General Statutes and of the Uniform
10 Administrative Procedure Act upon an Application from
11 United Illuminating Company for a Certificate of
12 Environmental Compatibility and Public Need for the
13 construction, maintenance, and operation of a 115-13.8
14 kilovolt substation located at 14 Old Stratford Road in
15 Shelton, Connecticut. The application was received by
16 the Council on October 3, 2012.

17 The Applicant published notices of the
18 filing of the application in the Connecticut Post on
19 September 21 and 23, 2012. The Council's legal notice of
20 the date and time of hearing was published in the
21 Connecticut Post on December 18th of 2012. And upon this
22 Council's request, the Applicant erected a sign at the
23 proposed site so as to inform the public of the
24 application.

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1 This afternoon members of the Council,
2 staff, and public personally conducted a field review of
3 the proposed site.

4 This hearing session tonight is reserved
5 for the public to make short statements into the record.
6 These statements are not subject to questions from the
7 parties or the Council, and members of the public making
8 statements may not ask questions of the parties or
9 Council. Excuse me.

10 A sign-up sheet is available for those who
11 wish to -- who would like to participate. I thought my
12 cold would hold off. Apparently it's not.

13 And I also want to note that for those or
14 your friends who are not able to be here with us, they
15 have 30 days from now to make written statements, which
16 will be considered by the Council.

17 We ask each person making a public
18 statement to confine his or her statements to the subject
19 matter before the Council and to avoid unreasonable
20 repetition so we may hear all of your concerns.

21 A verbatim transcript will be made of this
22 hearing and deposited at the Shelton City Clerk's Office
23 for the convenience of the public.

24 We will now call -- or I'll call from the

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1 list for those to make -- who wish to make statements.
2 The first one on the list -- and I'm not sure I can read
3 your last name -- Tom -- is it Harbinson? From the
4 Conservation Commission. And please come up to the
5 microphone and spell your name for the --

6 MR. THOMAS HARBINSON: Not a problem.
7 Thomas Harbinson. That's H-a-r, b as in boy, i-n-s-o-n.
8 My address is 15 Soundcrest Drive in Shelton, and I am
9 Chairman of the Conservation Commission of the City of
10 Shelton.

11 I believe you have correspondence from us
12 as a commission regarding the application or the proposed
13 substation. And I would just reiterate the comments on
14 that. The Far Mill River is the primary important aspect
15 to the site for us on the Conservation Commission. We've
16 spent a lot of time throughout our community identifying
17 greenway corridors that are precious to our community,
18 and the Far Mill River is one of those greenway
19 corridors. And our greenway corridors we look to acquire
20 open space or preserve open space through easements and
21 other means and allow passive recreational opportunities,
22 such as fishing or hiking. And this parcel would be a
23 key opportunity for the continuity of those kind of
24 endeavors throughout that corridor. We have a goal to

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1 have a hiking trail, similar to a Blue Dot Trail that you
2 see throughout the State of Connecticut, namely the
3 Paugussett Trail in this area, that would go from the
4 Indian Wells State Park area all the way to the Roosevelt
5 Forest area of Stratford, and trying to keep in our
6 greenway corridors where we have a continuity of open
7 space and a natural landscape for the passive
8 recreational opportunities to enjoy that kind of
9 atmosphere. So I would encourage for the site
10 development, whatever -- maybe perhaps a pedestrian
11 easement or a fee -- or an in fee property dedicated to
12 the city or a land trust type entity so that the
13 preservation of the river corridor could continue in
14 perpetuity for the enjoyment of the citizenry.

15 Other than that, I also served on the
16 committee that prepared the city's plan of conservation
17 and development a few years back and the future land use
18 plan that was part of that. And this is a gateway to our
19 community as a lot of out-of-towners come to that
20 commercial corridor off of Route 8. And so aesthetically
21 the presentation of the property -- obviously this is
22 needed and necessary as determined through engineering
23 aspects of United Illuminating for the electric
24 infrastructure of not only Shelton but the region, but

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1 rather than an industrial look, if it could be tempered
2 somewhat or buffered somewhat so that the presentation
3 for the first time person coming off the highway and into
4 our community is enjoyable or presentable -- a little bit
5 more presentable. Thank you very much.

6 CHAIRMAN STEIN: Thank you. The next
7 person on the list is Terrance Gallagher.

8 MR. TERRANCE GALLAGHER: Good evening.
9 That's Terrance Gallagher, G-a-l-l-a-g-h-e-r, 43 Judson
10 Street, and I'm a member of the city's Trails Committee.

11 As Tom mentioned, Shelton has had a long-
12 range project to extend pedestrian and fisherman access
13 along the Far Mill River Greenway in this area. We work
14 closely with Trout Unlimited, the Shelton Land
15 Conservation Trust, various business groups, the city's
16 Anti-Litter Committee to help clean up this stretch of
17 the river and pick up garbage every spring. One of our
18 long-range plans as Tom mentioned is to extend the
19 Paugussett Trail from where it is in Monroe and Indian
20 Wells State Park in Shelton south to Stratford, and we've
21 been working on that diligently the last several years.
22 We've gotten lots of turnout from Boy Scouts and
23 volunteers. We've spent probably hundreds, if not
24 thousands of man hours clearing this out. And we're --

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1 we are gradually working our way down from Buddington
2 Road through other properties that will come out to the
3 Far Mill Greenway on the other side of Bridgeport Avenue
4 from this one, and gradually work their way south. The
5 city has open space at Far Mill Crossing, they've gotten
6 open space from Cinto Development, they've gotten open
7 space from Health Net, it abuts large open space from
8 Stratford and the City of Shelton further downstream.
9 The nice thing about this side of the river is you can
10 actually get underneath Route 8 on this side of the
11 river. So whether this parcel is developed as a hotel or
12 a factory or substation, the city will be trying to get
13 something there for a conservation easement along the
14 stream banks.

15 When the Lord factory was there, they
16 dumped a lot of concrete along the bank and they put a
17 chain-link fence with barbwire right at the very top of
18 the bank. If that chain-link fence were moved back to
19 the edge of the traveled way where there's an asphalt
20 path now and those existing native trees were kept, and
21 maybe some of the invasive species were removed, maybe
22 some of the old concrete was taken out, or we often get
23 requests from Eagle Scouts to do volunteer projects in
24 town, and just to get permission that we could go in

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1 there in the future and clean some of that up, that would
2 be fine. Just so there's maybe a 15 or 20 foot access
3 way along the top of the bank. And if by some reason UI
4 wanted to do some of that work themselves as part of
5 their pad prep work and maybe take out some of the
6 concrete and invasive species, that would be wonderful,
7 but we're not even asking for that.

8 So I have two pictures of what it shows
9 like with a natural stream bank on left hand side of the
10 river at Wells Hollow Farm and one of what it looks like
11 with a chain-link fence where I'm talking about moving it
12 back. So I'll just hand this in -- (pause) -- that's it.
13 Thank you again.

14 CHAIRMAN STEIN: Thank you. Gil Pastore.

15 MS. GIL PASTORE: Gil Pastore, 150 Yutaka
16 Trail. G-i-l. The last name is P-a-s-t-o-r-e.

17 Pretty much -- Tom Harbinson covered
18 pretty much everything that I was looking at for
19 conservation easements along the Far Mill River.

20 One thing I want to bring to everybody's
21 attention is -- I was not here for the 4:00 o'clock
22 demonstration or whatever presentation UI submitted this
23 afternoon -- but one of my main concerns is people coming
24 into Shelton off of Route 8 southbound, this is going to

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1 be their first -- this will be basically their first idea
2 of what Shelton looks like. And aesthetically-wise, I
3 would like to see as much as possible it make this --
4 this whole development look not as much as a commercial
5 substation as possible, if -- if that is possible. The
6 reason why is naturally as you come into town your first
7 impression is what this town is like. And you get off
8 the highway and you see this massive substation right at
9 the bottom of the exit and your first impression is that
10 the entire town is like that, that it's like a commercial
11 industrial type town. And that's not what we're really
12 about. We'd really like to see something that blends in
13 more with the environment and make Shelton look like a
14 decent place and not an industrial wasteland.

15 One of my main concerns is -- on the power
16 substation is the noise being generated by it. Is there
17 -- I wasn't here for the presentation, so I -- my main
18 concern is is there any type of noise through either --
19 the transformers or whatever equipment is running there
20 is there any type of noise? And if -- if possible to put
21 in any type of barriers that will cancel or subdue that
22 noise so that it's reasonable for the neighbors in that
23 general area. Thank you.

24 CHAIRMAN STEIN: Thank you. Ruth -- is it

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1 Parkins?

2 MS. RUTH PARKINS: Yes. Good evening.
3 Ruth Parkins, 21 Meadow Lake Drive. I'm the Chairwoman
4 of the Planning and Zoning Commission. My remarks will
5 be very brief. I do appreciate the opportunity to speak
6 before you.

7 Although we do recognize there is a need
8 to site facilities such as this, from a planning
9 perspective this is not an ideal location to site the
10 facility. As was mentioned before the area is the
11 gateway to our corporate community, and there's ongoing
12 consideration always being given to future development in
13 that area. There's quite a bit of still undeveloped
14 land.

15 As we were not consulted for approval
16 naturally prior to the acquisition of this property, we
17 do ask that consideration be given to substantial
18 screening and a commitment for ongoing maintenance of the
19 facility. We'd prefer that it not become blighted and
20 overgrown. And we would also offer consultation with our
21 planting experts to plant the kind of trees and shrubs
22 that we believe would be best in that location. Thank
23 you.

24 CHAIRMAN STEIN: Thank you. That's the

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1 last person I have on the list. Is there anybody else
2 who wishes to speak? If not, before I close the hearing,
3 there are some representatives from the Applicant here
4 present -- and also after we close, for those who wish,
5 they're all primed to give -- they can give a brief
6 presentation of the -- of the proposed facility, which
7 will probably be helpful.

8 COURT REPORTER: One moment please.

9 (pause - tape change)

10 CHAIRMAN STEIN: We have three issues that
11 were raised and maybe somebody, Attorney McDermott, from
12 your team could answer one which was I don't believe
13 raised this afternoon, but I know you have material, and
14 that is the issue of noise and -- the amount of noise
15 that would be produced and how you plan to deal with
16 that. Is there somebody from your team who could respond
17 to that?

18 MR. BRUCE MCDERMOTT: Mr. Eves and Mr.
19 Lewis can tag team on that --

20 COURT REPORTER: A microphone please.

21 (pause)

22 MR. CHUCK EVES: Good evening. For the
23 record Chuck Eves. As part of our application we
24 submitted a noise study. We had three receptors that we

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1 placed in various locations around the residences that
2 surround the substation. And in general the results of
3 that noise study was that there would be no perceptible
4 increase in the noise volume based upon the ambient level
5 of noise generated from Route 8 by the implementation of
6 our substation.

7 CHAIRMAN STEIN: Okay. There was also a
8 question related to any proposed screening and also the
9 fence -- the issue of the fence that was raised.

10 MR. EVES: Initially during the discussion
11 earlier this afternoon, we discussed the fence along the
12 Far Mill River. In our application -- and I referenced
13 this earlier, but I'll reference it again for members of
14 the public that are here -- in our application there is a
15 drawing set and there's a Drawing XXXX-001 that was
16 submitted, and that -- that illustrates the fence that
17 will be removed along the site and the fence that will
18 remain. There is a remediation area along the edge of
19 the site that abuts the exit ramp from Route 8 and
20 extends maybe a third of the way into the site that we
21 need to maintain the fencing to keep people out of the
22 remediation area. So that fence maybe a third of the way
23 along the Far Mill River along the site would remain.
24 From there that fence will gradually come in along where

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1 the paved area is, presenting a pretty wide area for
2 anglers and other people to access the river. So as far
3 as the question around the fence, that is what would
4 remain. We would remove the fence that's very close to
5 the river that exists today maybe two-thirds of the way,
6 extending down the property.

7 As far as screening, UI's base standard
8 for screening is to install the substation with a chain-
9 link fence surrounding the substation. If -- if the
10 Council was so inclined, UI would consider screening
11 along the areas, and we would work with the City to
12 determine what types of plantings would be applicable
13 there. One of our concerns obviously would be the CL&P
14 right-of-way, we would need to plant plantings that would
15 not interfere with the transmission lines along that --
16 along that corridor. But the company would most
17 certainly be open to those discussions.

18 CHAIRMAN STEIN: So an indirect question,
19 when did UI purchase the property? Do you have that
20 information?

21 MR. EVES: It was 2009.

22 CHAIRMAN STEIN: Finally, Attorney
23 McDermott, do you have any closing statement that you
24 wish to --

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1 MR. MCDERMOTT: I was thrown off a little
2 bit by the question. Are you asking for the
3 presentation? We also have -- there was a mention --
4 Attorney Bachman, we have an answer to Dr. Bell's
5 question regarding --

6 CHAIRMAN STEIN: This would be the --

7 MR. MCDERMOTT: -- the analysis --

8 CHAIRMAN STEIN: This would be the time to
9 put -- to answer that question.

10 MR. MCDERMOTT: Okay. Mr. Eves, I believe
11 you can read in -- or provide a response to Dr. Bell's
12 question.

13 MR. EVES: Yes. In 2008 the actual loads
14 at those four substations was 200 MVA. In 2012 the
15 actual load at those substations was approximately 208
16 MVA. So the comparison of that 60 MVA load growth, we
17 actually saw 8 MVA of that load growth during that time
18 frame.

19 DR. BARBARA C. BELL: Thank you, that's
20 what I wanted to know. I appreciate it.

21 CHAIRMAN STEIN: Thank you. What I'll do
22 is when we close, then you can -- for those from the
23 audience who want to see the presentation, and obviously
24 your staff or your consultants can answer any questions,

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1 but I think we'll do -- unless you -- do you have any
2 closing comment that you want to bring forward?

3 MR. MCDERMOTT: No, Mr. Chairman, we're
4 all set. And the project team will gladly hang for a
5 little bit and answer any questions that anyone in the
6 audience might have.

7 CHAIRMAN STEIN: Okay. Thank you. Before
8 closing this hearing, the Siting Council announces that
9 briefs and proposed findings of fact may be filed with
10 the Council by any party or intervenor no later than
11 February 16, 2013.

12 Anyone who has not become a party or
13 intervenor, but who desires to make his or her views
14 known to the Council, may file written statements to the
15 Council within 30 days of today.

16 The Council will then issue draft findings
17 of fact. And thereafter, parties and intervenors may
18 identify any errors or inconsistencies between the
19 Council's draft findings of fact and the record.

20 Again to repeat, copies of the transcript
21 will be filed at the Shelton City Clerk's Office.

22 And I hereby declare the hearing
23 adjourned. Again there will be a presentation for those
24 who want to stay. I thank you all for your

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1 participation.

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(Whereupon, the hearing adjourned at 7:20

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p.m.)

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